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Comprehensive review of the whole question of peacekeeping operations in all their aspects

Letter dated 21 October 2009 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

On behalf of my delegation, I have the honour to transmit herewith the explanatory note on the Ukrainian initiative concerning the expansion of the rights of the competent authorities of troop-contributing countries during inquiries of any acts of crimes committed against the life and health of peacekeepers of their national contingents (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 33, and as a working document of the Special Committee on Peacekeeping Operations during its 2010 substantive session.

(*Signed*) Yuriy **Sergeyev**
Ambassador
Permanent Representative

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Annex to the letter dated 21 October 2009 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

The General Assembly, in its relevant resolutions, in particular 63/280, has continuously stressed the need for the United Nations to further improve its capacity in the field of peacekeeping and to enhance the effective and efficient deployment as well as functioning of its peacekeeping operations.

Unfortunately, recent years have seen an increase in the number of deaths and injuries resulting from deliberate attacks against the personnel of United Nations peacekeeping missions. According to the Secretary-General, the death toll among Blue Helmets has reached more than 2,500. This figure comprises civilian and military personnel of United Nations peacekeeping missions who have made the ultimate sacrifice since 1948, including Ukrainian Ihor Kinal, killed on 17 March 2008 while serving in the United Nations Mission in Kosovo (UNMIK).

Crimes against the life and health of peacekeepers fall within the category of the most serious war crimes under international law, in particular under Article 8 of the Rome Statute of the International Criminal Court, which obliges Member States to prosecute perpetrators and to ensure that those persons are held criminally accountable. Therefore, there is a pressing need for the adoption of appropriate and effective measures aimed at preventing attacks against United Nations peacekeeping personnel and bringing perpetrators to responsibility.

According to international law, both the host country of a peacekeeping operation and the troop-contributing country can claim jurisdiction over crimes against United Nations peacekeepers. At the same time, the legal basis for the involvement of troop-contributing countries in investigations of such crimes remains to be clarified. The Memorandum of Understanding and Model Status of Forces Agreement or other relevant United Nations documents do not fully cover this issue.

The General Assembly, in its resolution 63/280, decided that the Special Committee on Peacekeeping Operations, in accordance with its mandate, should review the implementation of its previous proposals and consider any new proposals so as to enhance the capacity of the United Nations to fulfil its responsibilities in the field of peacekeeping.

Ukraine invites the Special Committee on Peacekeeping Operations to consider at its forthcoming session the issue of expanding the rights of the competent authorities of troop-contributing countries in the process of investigation of crimes committed against the life and health of their nationals serving in peacekeeping operations. Among other aspects to be examined, there is a need to specify the United Nations rules relating to the conduct of or participation in those investigations, including on the ground, of the national investigation officers of troop-contributing countries.